

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 34

This is in response to the conflict of interest disclosure form filed by Employee X whose job title is Civil Engineer IV and who is with the Division of Sewers, Department of Public Works.

We are of the opinion that there is no conflict of interest in the instant case.

Employee X testified that his primary duties and responsibilities with the Sewer Division is to plan, design and layout the sewer trunk interceptor system, including pumping stations. He further stated that he has no duties and responsibilities relating to long range capital program planning for the sewer division which leads to information of future land development areas. With respect to the real estate salesman's license he now possesses, he utilizes same for the purpose of saving commission cost in the sale and purchase of real property for his personal estate.

He also testified that he is associated with a real estate broker, in order to fulfill his requirement for the ultimate receipt of a real estate salesman's license. He understands that to be eligible for the real estate salesman's license, he is required to be associated with a real estate broker for at least one year.

Further investigation revealed that the broker is not involved in real estate development but the sale and purchase of developed real estate property. This finding further supports Employee X's testimony that the broker's listing relates only to developed real estate property. A review of his job description supports his testimony as to his primary duties and responsibilities.

In view of the foregoing, we conclude that Employee X is not in a position to receive or obtain special information for personal gain and his present real property interests do not in any way conflict with his present duties and responsibilities.

Dated: Honolulu, Hawai'i, October 11, 1972.

ETHICS COMMISSION
Very Rev. Robert R. Mackey, S.M., Acting Chairman